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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,722	04/13/2004	Kenji Yoneda	60188-834	2871

7590 11/15/2005

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EXAMINER

EVERHART, CARIDAD

ART UNIT PAPER NUMBER

2891

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/822,722	Applicant(s) YONEDA, KENJI	
	Examiner Caridad M. Everhart	Art Unit 2891	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has amended to include the limitations "a sequence of " and "and the first and the second thermal treatments are performed sequentially in the same heating apparatus".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Takeno (US 2004/0171234A1 is the English translation of WO03/009365A1).

Takeno discloses the steps of treating a wafer at a temperature within the recited range for a time within the recited range and at a second temperature within the recited range for a second time within the recited range (paragraphs 0089, 0173, and 0205). At a temperature of 500-700 degrees C, the wafer is kept for a time of more than 15 minutes (paragraph 0173). At a temperature of about 900 degrees C (paragraph 0173) for a time of about 30 minutes or longer (paragraph 0175). The treatments take place

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within the same chamber(paragraph 0144). The purpose is for gettering of the wafer(paragraphs 0003 and 0047). The rate of raising the temperature is within the recited range, as it is disclosed as 5 degrees C/min(paragraph 0173). There is a further step at a temperature which is higher(paragraph 0183) and it is disclosed that the precipitation nuclei are grown, so that it is implied that the metal impurities are diffused to the sites. The temperature decreasing rate is 2 degrees /min(paragraph 0040).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Shinji(US 5,453,385).

Shinji discloses a method in which an isolation film is formed on a semiconductor substrate, a thermal treatment is performed to diffuse metal impurities to gettering sites, and a gate insulating film is formed(col. 4, lines 18-24 and col. 6, lines 3-10).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 4 ,5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber in view of Gardner, et al as applied to claims 3 and 6 above, and further in view of Falster, et al. (US 5,403,406).

Takeno is silent with respect to the recited depth of the oxygen nucleation site layer nor the recited concentrations .

Falster teaches that there is a band of oxygen sites in the substrate (Fig. 3), as Falster shows that there is at a certain depth a high concentration of the sites, and Falster teaches that the thermal treatment conditions control the depth of the band of sites(col. 5, lines 1-2). In addition, the Fig. Shows that one can obtain a concentration within the recited range.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method taught by Falster with the process taught by Takeno because this would be a method of optimizing the process in order to achieve desired properties of the substrate, and optimization is a well known step in engineering processes.

With respect to the thermal treatments being set within a range that maintains the characteristics of the semiconductor device, this would also have been obvious to one of ordinary skill in the art, because otherwise there would be damage to the device, which would then be detrimental to the process.

Allowable Subject Matter

Claims 8-11 are allowed.

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Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caridad M. Everhart whose telephone number is 571-272-1892. The examiner can normally be reached on Monday through Fridays 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, B. Baumeister can be reached on 571-272-1722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Everhart
CARIDAD EVERHART
PRIMARY EXAMINER

C. Everhart
11-10-2005